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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,824	06/15/2001	Masaya Umemura	500.4021400	6606

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER	
BORISSOV, IGOR N	

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/880,824	UMEMURA ET AL.	
	Examiner	Art Unit	
	Igor Borissov	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Amendment received on 08/09/2006 is acknowledged and entered. Claims 1-19 have been canceled. Claims 20, 21 and 26 have been amended. New Claims 33-35 have been added. Claims 20-35 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita (US 5,397,883) in view of Sehr (US 6,085,976).

Clam 20. Miyashita teaches an automatic ticket-examining apparatus, comprising:

a ticket slot into which the ticket is entered (C. 3, L. 15-21);

a pickup port for ejecting the ticket (C. 3, L. 21-24);

a controller (C. 4, L. 42-43);

a first antenna covering a long distance service area (proximity sensor 94) (C. 5, L. 4);

a second antenna covering a nearby service area (radio antenna 98 disposed in the antenna section 91)(Fig. 5; C. 3, L. 44-52); and

a communication module which sends a call to a medium of a user (communication means 91 provided on a surface of said ticket examining apparatus (Fig. 1) and based on non-contact electromagnetic contact scheme with a user's medium) (C. 3, L. 44-52),

wherein said controller, in response to detection of the user medium by

the communication module through the first antenna (receiving a response to said call) receives information of the ticket from the user medium (the use of the controller indicates storing data) thereby indicating stopping calling to the user medium in response to communication with the medium (C. 5, L. 1-9).

Miyashita does not specifically teach that said controller, in response to detection of the user medium, requests authentication of the ticket information to a center apparatus, and generates printing data based on the ticket information in response to a result of the reference that the ticket is valid,

and wherein the controller, in response to detection of the user medium (by receiving at said communication module the response to the call) through the second antenna, prints the printing data stored on the controller on a slip using a printer to transport the printed slip to the pickup port.

Sehr teaches a travel system utilizing multi-application passenger card, including a passenger station that controls access to a railroad, said station is equipped with smart card reader/writer units; a travel center that provides the computerized means for the selection, payment and issuance of passenger cards (means for issuing a ticket) as well as authentication of the user travel information (C. 6, L. 1-10), said travel center coupled to said station; and Bank/Financial Institution that facilitates the electronic process between the passenger and travel centers (service provider), said Bank/Financial Institution is coupled to said travel center (Fig. 2; C. 7, L. 25-57); and Encrypt/Decrypt means for encrypting or decrypting uploaded or downloaded card-related data (C. 19, L. 6-12), and means for preparation and issuing a ticket (C. 7, L. 31), wherein user's medium is referred to upon exiting of said user at the passenger station (C. 23, L. 42-46).

It would have been obvious to one having ordinary skill in the art to modify Miyashita to include means connected to a financial institution for decrypting said collected information and making a settlement based on said evaluation through said financial institution, as disclosed in Sehr, because it would advantageously provide security for the system by preventing possible financial fraud. And it would have been obvious to one having ordinary skill in the art to modify Miyashita and Sehr to include

means for issuing a ticket, as disclosed in Sehr, because it would provide convenience for the passenger to obtain a new ticket at the gate if a passenger's old ticket is unacceptable.

Claim 21. Said system, further including a sensor 81 which is different from said first and second antenna (Miyashita C. 3, L. 34-35), wherein the communication module starts detection of the user medium through the second antenna in response to an event that the sensor has sensed the user (C. 5, L. 1-4).

Claim 22. Said system, wherein the sensor is an optical sensor (Miyashita; C. 5, L. 10).

Claim 23. Said system, further comprising a gate (Miyashita; Fig. 1; C. 3, L. 12-14).

Claims 24-29 and 31-32. Same reasoning as applied to Claim 20.

Claim 30. Sehr teaches that the user medium is an IC card (C. 6, L. 15-25).

Claim 33. Miyashita and Sehr teaches all the limitations of claim 33, including that said first and second antenna are disposed on a surface of the ticket examiner (Fig. 2), except specifically teaching that said second antenna is disposed on a *side* surface on the ticket examiner. However Miyashita teaches that said sensor 81, which is different from said first and second antenna, is disposed on a side surface of said ticket examiner (Fig. 1). Furthermore, there is no indication in the specification regarding advantages of placing said second antenna specifically on the side surface of said ticket examiner. Without said indication it appears that placing said second antenna on the side surface, or any other surface of said ticket examiner would be a matter of a design choice.

Claim 34. Miyashita teaches said system, wherein said communication module includes a base-band control module connected to the first antenna and the second antenna (C. L. 1-2).

Claim 35. Miyashita teaches said system, further comprising a timer (Fig. 5, item 95-2), wherein said communication module starts detection of the user medium through

the second antenna in response to a lapse of a predetermined period of time by the timer (Fig. 6, item S13, S15, S17, S12; C. 6, L. 46-49).

Response to Arguments

Applicant's arguments filed 08/09/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that Miyashita does not teach that the communication module in response to entry of the ticket into the ticket slot, stops calling to the user medium, it is noted that Miyashita does, in fact, discloses this feature. Specifically, Miyashita teaches that the ticket examiner senses the approaching user and the type of the user's commuter pass, a magnetic or radio pass, and, based on the result of said sensing, one of said modes would be disabled to prohibit the simultaneous use of radio commuter pass and the magnetic commuter pass. This is done to prevent a situation when the passenger with a magnetic commuter pass is immediately followed by a passenger with a radio commuter pass or vice versa (C. 6, L. 18-37). Furthermore Miyashita discloses in details how it is done (C. 5, L. 31-38).

In response to applicant's argument that Miyashita does not teach prepartion of printing regarding the radio commuter pass, it is noted that Sehr was applied for this feature (See: C. 7, L. 25-31).

In response to applicant's argument that Sehr does not teach first and second antenna, it is noted that Miyashita discloses that feature (See the discussion above). At this point Examiner points out that Applicant argues against the references individually; but one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that Miyashita's sensor 81 does not represent the first antenna, it is noted that Examiner understands the sensor 81 as an optical sensor, which is different from said first and second antenna (See reasoning applied to claims 21 and 22).

In response to applicant's argument that Sehr fails to disclose "authentication" feature, it is noted that Sehr explicitly discloses said feature (See: C. 4, L. 16-18, 60-67; C. 6, L. 1-10).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 703-305-4649. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB
10/27/2006

IGOR N. BORISSOV
PRIMARY EXAMINER